IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.123 OF 2004

Surekha Surendra Kardile : Petitioner

V/s.

The Education Officer,

Zilla Parishad Nashik & Ors. : Respondents

...

Mr.S.M.Gorwadkar for the petitioner.

Mr.R.D.Rane, Addl. Govt. Pleader, for respondent nos.1 & 2.

...

CORAM : S.RADHAKRISHNAN & S.A.BOBDE, JJ.

October 6, 2004.

P.C.:

1. By this petition, the petitioner is challenging the refusal on the part of respondent no.1 to grant sanction to the appointment of the petitioner as the Principal of the Secondary School run by respondent no.3 with effect from 1.10.2002.

2. It appears that the petitioner has been working as the Principal of the said Secondary School with effect from 1.10.2002. The respondents sought to wrongly contend that the said post of Principal should be reserved for Scheduled Caste. By this petition, the order dated

8.10.2003 passed by respondent no.1 directing respondent no.3 to fill in the post of Principal of the said Secondary School by a candidate belonging to Scheduled Caste is challenged.

3. It appears that one Mrs.Vandana Manohar Waghmare, a Scheduled Caste, filed a petition, being Writ Petition no.3722 of 2004, before this Court contending that she was entitled to be appointed as Principal of the very same Secondary School. However, a Division Bench of this Court by order dated 16.8.2004, relying on the judgement of the Supreme Court in Post Graduate Institute of Medical Education and Research, Chandigarh v. Faculty Association & Ors. [1998 (2) Mh.L.J. 353], held that as the principal is an isolated post, the same cannot be reserved for backward classes and dismissed the said petition. Even the learned Addl. Govt. Pleader appearing on behalf of respondent nos.1 & 2 is unable to controvert the aforesaid settled legal position that an isolated post cannot be reserved.

4. In these circumstances, the rule is made absolute in terms of prayer clauses (b) and (c).

5. Parties to act on an authenticated copy of this order.

Sd/-

(S. RADHAKRISHNAN, J.)

Sd/-

(S.A. BOBDE, J.)